

## **REMARKS/ARGUMENTS**

This submission accompanies an RCE and serves as a response to the Final Office Action of January 16, 2009 in connection with the instant application. A Petition for Extension of Time (two months) and the fee therefor are submitted herewith.

Claims 27-56 were pending in the Application prior to the present Amendment. Applicant amends Claims 27, 32, 35, 38, 44, 46 and 48, cancels Claims 36-37, 39, 41, 43, 45 and 47 and respectfully requests reconsideration of the rejection. Claims 27-35, 38, 40, 42, 44, 46 and 48-56 remain in the Application.

The specification of the Application has been objected to because the title was not descriptive. Applicant amends the title of the Application in accordance with the Examiner's suggestion and respectfully requests withdrawal of the objection.

Claims 1 and 48 were objected to because of certain informalities. Applicant amends Claims 1 and 48 to correct he indicated informalities. Withdrawal of the objection is earnestly solicited.

Claims 27-31, 33-35, 38, 40, 42, 44, 46 and 48-56 were rejected in the Office Action under 35 U.S.C. 102(b) as being anticipated by Suda (US 2003/0224775). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

Independent Claim 27, as amended, recites a mobile communication system in which packets of data are buffered in the anchor radio base station and then distributed to the terminal device through the third radio base station after the handover of the terminal device is completed. The order of distribution of the buffered packets through the third radio base station corresponds to an order of reception of these packets by the anchor base station. This buffering and subsequent distribution of the packets from the anchor base station assures that no packets are either lost or reach the terminal device out of sequence. This arrangement of the claimed communication system also reduces the complexity of both the protocol and the amount of hardware required. Independent Claims 35, 38, 44, 46 and 48 include similar limitations.

Suda describes a mobile communication system having two base radio stations where some data is buffered in one of radio base stations if certain conditions are met. Further, Suda indicates that the disclosed system can be applied to "selectively switch three radio base stations

or more.” See, Suda, par. [0100]. However, contrary to the recitations of Claims 27, 35, 38, 44, 46 and 48, Suda does not disclose an order in which the buffered data is distributed to the terminal device. Specifically, with respect to Claim 27, for example, Suda does not disclose or even suggest that the order of distribution of the buffered packets through the third radio base station corresponds to the order of reception of these packets by the anchor base station. Therefore, independent Claims 27, 35, 38, 44, 46 and 48 are allowable over the cited prior art. Moreover, Claims 28-34, 40, 42 and 49-56 depend from Claims 27, 35, 38, 44, 46 and 48. Therefore, Claims 28-34, 40, 42 and 49-56 are allowable over the Suda at least for the same reasons as Claims 27, 35, 38, 44, 46 and 48 and further on their own merits.

Finally, Rauhala (U.S. Patent No. 6,611,547) does not remedy the above deficiencies of Suda.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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